

While we have had a good exchange of views on this particular bill, we have not had a debate. A debate in the Senate, by its very nature, allows Senators to offer amendments, to exchange views with regard to the language of the bill itself. But we have been precluded from doing that. Why? Because the majority has disallowed the opportunity for anybody to offer an amendment. What kind of debate is that? We have been on it and off it intermittently for the last couple of weeks, but we have not had a debate, not one living up to the standards and the expectations of anybody with regard to this body. This ought to be a deliberative body. There is no deliberation when the tree is filled, the amendments are precluded, and the bill is pulled.

So, we will continue to persist, regardless of whether it is in the form of an amendment or a bill. Again, I would rather work with the majority leader. He mentioned being surprised. I guess now we both had that occasion. I am not going to talk about Pearl Harbor this afternoon, as he did on the 16th of September. But let us not surprise each other. Let us get on with trying to lead the Senate in a way that will allow us to complete our work. We are prepared to do that on this bill and every other bill.

I yield the floor.

#### BIPARTISAN CAMPAIGN REFORM ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The bill clerk read as follows:

A bill (S. 25) to reform the financing of Federal elections.

Pending:

Lott amendment No. 1258, to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1259 (to amendment No. 1258), in the nature of a substitute.

Lott amendment No. 1260 (to amendment No. 1258), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1261, in the nature of a substitute.

Lott amendment No. 1262 (to amendment No. 1261), to guarantee that contributions to Federal political campaigns are voluntary.

Motion to recommit the bill to the Committee on Rules and Administration with instructions to report back forthwith, with an amendment.

Lott amendment No. 1263 (to instructions of motion to recommit), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1264 (to amendment No. 1263), in the nature of a substitute.

Lott amendment No. 1265 (to amendment No. 1264), to guarantee that contributions to Federal political campaigns are voluntary.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258 to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Don Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond, Thad Cochran, Rick Santorum, R.F. Bennett, Bob Smith.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Lott amendment No. 1258 to S. 25, a bill to reform the financing of Federal elections, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 266 Leg.]

#### YEAS—52

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith Bob
Cochran	Hutchinson	Smith Gordon H
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

#### NAYS—48

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Dorgan	Landrieu	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Leahy	Wyden

The PRESIDING OFFICER. On this vote, the ayes are 52, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

#### CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 25, as modified, the campaign finance reform bill:

Thomas A. Daschle, Carl Levin, J. Lieberman, Wendell Ford, Byron L. Dorgan, Barbara Boxer, Jack Reed, Richard H. Bryan, Daniel K. Akaka, Christopher Dodd, Kent Conrad, Robert Torricelli, Charles Robb, Joe Biden, Dale Bumpers, Carol Moseley-Braun, John Kerry.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk, and I observe that Senator DASCHLE filed a cloture motion on the McCain-Feingold bill, S. 25. This is a cloture motion on the paycheck equity amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258, to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, D. Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry Craig, Strom Thurmond, Gordon Smith, Jesse Helms, Kay Bailey Hutchison, Christopher S. Bond, Bill Frist, Charles Grassley, Thad Cochran, Rick Santorum.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Rick Santorum, Jon Kyl, Don Nickles, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond, Thad Cochran, R. F. Bennett, Bob Smith, Ted Stevens.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 25, a bill to reform the financing of Federal elections, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 267 Leg.]

## YEAS—53

Akaka	Feinstein	Lieberman
Baucus	Ford	McCain
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Hutchinson	Reed
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Chafee	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Thompson
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Feingold	Levin	

## NAYS—47

Abraham	Faircloth	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchison	Smith (OR)
Craig	Inhofe	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Enzi	Lugar	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 1156, the D.C. appropriations bill.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. President, is this a debatable motion?

The PRESIDING OFFICER. This is a debatable motion.

Mr. DASCHLE. Mr. President, I want to be heard on the issue, if I can. In essence, what we are doing here is pulling the bill. We are now stating that, at least for the purposes of this week and perhaps this session of Congress, debate on the campaign finance bill is over.

We are not prepared to accept that. I think we ought to have a good discussion this afternoon about whether we really want to do that. Do we want to pull this bill and go to the District of Columbia appropriations bill? I would say that at least every Member on this side of the aisle, and perhaps some on that side of the aisle, are not prepared to do that. So we are not prepared to have that vote right now, and I hope we will have a good discussion about it, a good debate about whether it is in our interest to do so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will not object for the purposes of giving the majority leader the opportunity to respond.

Mr. LOTT. Mr. President, I thank the minority leader for doing that so that I can respond to his comments. First of all, let me tell Members where we are on this. The D.C. appropriations bill would be the pending issue. We do have a cloture motion that we filed on that. We would have a vote on that not before 4 o'clock. There is still a chance we would get an agreement between Senator MACK, Senator GRAMM, and Senator GRAHAM of Florida on the immigration issue, and then we would have one other pending amendment. I believe it is the Coats scholarship amendment for the District of Columbia.

I believe those are the only two pending issues we would still have to dispose of on the D.C. appropriations bill, and then we would be able to go to final passage. That would be the last of the 13 appropriations bills, and then we could go on to conference on that and, hopefully, get all of these conference reports done before the continuing resolution runs out on the 23d, I believe, of this month. I wanted to make sure Members understand what we are trying to do here—go back to the D.C. appropriations bill.

Now, with regard to the issue that we have been debating and the votes we just had, those two cloture votes that we just took, in my opinion, put an end to campaign finance reform at this time. They end the drive for phony reform, the kind that rigs the law in favor of one side or the other. They end the partisan game plan that treated the Constitution and the right of free speech guarantees as technicalities to be gotten around. That was the worst aspect of this year's effort to rewrite Federal campaign law, this willingness to abridge one of the fundamental freedoms of the American people.

Earlier this year, to my amazement, 38 Senators actually voted to change the first amendment so that the Congress or a Federal agency could limit free speech. I never thought I would see that day arrive. Now, those 38 Senators have been joined by others who would not explicitly repudiate the first amendment, but they would in fact change it. I think that is a very serious challenge to the Constitution.

What we have here is an effort to change the subject, to change the laws, where the laws we have on the books have already been broken. We do not have a consensus yet on how to proceed on this issue. We will be back on this issue some day. But I want to say again that until we do something about the paycheck equity issue, allow people to

have some say over how their dues are used, and make sure that all campaign contributions are voluntary, I don't see how we can ever resolve this issue. So I feel good about what we did today. I think we did the right thing for the American people, the right thing in protecting free speech. Now we can move on to other issues, and we can continue to have other debate and other votes on this on other days.

But as for now, I think we did the right thing. I am proud the Senate didn't turn its back on the Constitution. Just yesterday, the Supreme Court ruled that you cannot limit free speech, you cannot limit advocacy issues in campaigns. We may not like it, but in America you should have a right to say how your monies are used. You should have the ability to express your position on an issue or on a candidate.

So I hope that we can mend some of the problems that have developed and go on and do our work on a lot of important issues, and perhaps some day we can find a way to have an opportunity to come together on this issue.

I yield to the Senator from Oklahoma for a question, without losing my right to the floor.

Mr. NICKLES. Mr. President—

Mr. KERRY. Regular order, Mr. President.

Mr. NICKLES. The majority leader has yielded so that I may ask a question. Your request was to move to the District of Columbia appropriations bill. Correct me if I am wrong, but that is the last appropriations bill we haven't passed. We passed the other 12, and we passed a continuing resolution. The continuing resolution will expire on the 23d of this month. So it is your hope that we can dispose of the District of Columbia appropriations bill, hopefully, tonight; is that correct?

Mr. LOTT. That's correct.

Mr. NICKLES. And dispose of—I believe there is the Coats amendment pending and also a Mack proposal pending. So if we can dispose of both of those amendments, finish the District of Columbia appropriations bill, let it go to conference, and hopefully work out the differences with the House on that and several other conference reports, as many as possible this week, hopefully complete all those by the 23d, maybe we won't need a continuing resolution. It looks like there may be a couple of bills that we may not be able to finish by the 23d. It is your hope that we can finish the D.C. bill tonight?

Mr. LOTT. That's correct. I believe we can. I understand that the interested Senators, on a bipartisan basis, have come very close to an agreement. I think we may have an answer within the hour.

Mr. NICKLES. The majority leader made some comments on the campaign finance reform and paycheck protection. I know my colleague the minority leader said he wanted to have more discussion. I will tell my colleague that I would like to visit about that a little